

[Submitting Counsel on Signature Page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

Case No. 3:23-md-03084-CRB

**PLAINTIFFS' RECOMMENDATIONS FOR
SETTLEMENT MASTER PURSUANT TO
PRETRIAL ORDER NO. 1**

This Document Relates to:

All Cases

Judge: Hon. Charles R. Breyer
Date: November 3, 2023
Time: 11:00 a.m.
Ctrm.: 6

Per the Court's request in Pretrial Order No. 1 (ECF No. 2), the undersigned Plaintiffs' counsel propose the following candidates to serve as Settlement Master in this MDL: Judge Gail A. Andler, Judge Marina Corodemus, Randi Ellis, Chief Magistrate Judge Donna Ryu, Judge Winifred Y. Smith, Magistrate Judge Joseph C. Spero, and Judge Diane M. Welsh. Appointment of any of these individuals will facilitate expeditious, efficient, and just resolution of these complex proceedings.¹ They all have stellar reputations for fairmindedness and integrity and have demonstrated the ability to earn parties' trust and broker resolution across multiple jurisdictions.

Judge Gail A. Andler (ret.): Prior to joining JAMS as a full-time neutral, Judge Andler sat for more than 22 years on the Orange County Superior Court, where she served on the Complex Litigation Panel from 2007-2017 and two terms as Presiding Judge of the Superior Court's Appellate Division. Judge Andler has been praised for her compassion, persistence, and effectiveness in fashioning innovative and significant resolutions for litigants. Judge Andler serves as the Common Benefit Special Master and oversees the Personal Injury Settlement Program in *In re: Juul Labs Inc. Marketing, Sales Practices and Products Litigation*, which has largely resolved. She has substantial experience with personal injury mass torts and sexual misconduct matters, and has presented on best practices in litigation involving substantial emotional trauma. Judge Andler has confirmed her interest and availability to devote her time to this matter.

Judge Marina Corodemus (ret.): Judge Marina Corodemus is a highly experienced neutral with over 10 years of experience as New Jersey's sole Mass Tort Judge. On the bench, Judge Corodemus presided over large and complex pharmaceutical, tobacco, and environmental contamination cases. As an ADR professional, she has served over similar matters, including as Special Master for *In re: Vioxx Products Liability Litigation*. New Jersey Law Journal named her the Best Individual Arbitrator in 2017, among the Top 3 Mediators in 2018. Judge Corodemus' ADR firm has a national practice, serving clients in both state and federal court. She is well-respected in the mass tort field for her expertise, integrity, and diligence. She has confirmed that

¹ Assuming the Court does not intend to appoint a Settlement Master to perform or advise on adjudicatory functions, any appointment need not be pursuant to Federal Rule of Civil Procedure 53.

1 she is interested in and available to take on this matter.

2 **Randi Ellis:** Randi Ellis is a dispute resolution and settlement consulting attorney who
 3 specializes in resolution of complex civil disputes. Ms. Ellis has been appointed by federal and
 4 state courts both to facilitate settlements and oversee settlement administration. Ms. Ellis has
 5 served as a neutral in many MDLs, including *In re. 3M Combat Arms Earplug Products Liability*
 6 *Litigation* (mediation and settlement allocation); *In Re: National Prescription Opiate Litigation*
 7 (settlement allocation); *In re: Roundup Products Liability Litigation* (settlement allocation); and
 8 *In re: Yasmin and Yaz Marketing, Sales Practices and Products Litigation* (mediation and
 9 settlement allocation). Ms. Ellis' thoughtful approach and tireless work ethic contribute to her
 10 record of success. She has confirmed that she is interested in and available to take on this matter.

11 **Chief Magistrate Judge Donna Ryu:** Chief Magistrate Judge Donna Ryu joined the
 12 Northern District bench in 2010. Prior to her time on the bench, Judge Ryu gained substantial
 13 experience as a litigator and a legal educator, focusing on complex litigation, employment law,
 14 and civil rights. As the first Asian-American woman, the first Korean-American, and the first
 15 open lesbian to serve in the Northern District, Judge Ryu is widely recognized as a trailblazer. In
 16 2023, Judge Ryu was elevated to Chief Magistrate Judge. In addition to her innate skills as a
 17 neutral, Judge Ryu's position at the Northern District has substantial efficiency and cost-saving
 18 benefits.

19 **Judge Winifred Y. Smith (ret.):** Judge Winifred Smith has 21 years of experience as a
 20 Judge of the Alameda County Superior Court and 26 years as Deputy Attorney General in the
 21 California Attorney General's Office. On the bench, Judge Smith served as a member of the
 22 Judicial Council, Supervising Judge of multiple courthouses, Supervising Judge of the court's
 23 Civil Division, and later as Presiding Judge. Judge Smith presided over nearly 100 cases to
 24 verdict. She managed a coordinated matter with 31,000 plaintiffs, and presided over the toxic tort
 25 trial that resulted in the largest civil jury award in California history. Judge Smith is particularly
 26 knowledgeable and familiar with employment, business, personal injury, and complex matters.
 27 She has been honored by many legal organizations for her commitment to judicial excellence,
 28 including being twice named Jurist of Distinction by the Women Lawyers of Alameda County

1 and as Trial Judge of the Year by the American Board of Trial Advocates (ABOTA) in 2021.

2 **Magistrate Judge Joseph C. Spero:** Magistrate Judge Joseph C. Spero began his career
3 in 1981 as a law clerk on the Ninth Circuit Court of Appeals. He joined Skadden, Arps, et al. in
4 1982 and Coblenz, Patch, Duffy & Bass, LLP in 1984, becoming a partner in 1989. He worked
5 in this position and as a Judge Pro Tem for the San Francisco Superior Court until 1999. He was
6 appointed to the Northern District of California on March 13, 1999, and assumed the role of Chief
7 Magistrate in 2015. Since that time, Judge Spero has served as a settlement judge in over 1500
8 cases. Judge Spero is well-known by litigators and his Northern District colleagues for his success
9 in resolving cases, thanks to his creativity, empathy, and strategic intellect. Further, Judge Spero's
10 position at the Northern District has substantial efficiency and cost-saving benefits.

11 **Judge Diane M. Welsh (ret.):** Judge Diane M. Welsh served as a Magistrate Judge on the
12 District Court for the Eastern District of Pennsylvania from 1994-2005 before joining JAMS as a
13 full-time neutral. In both roles, she developed a strong record of success for resolving complex
14 cases, successfully bringing over 5,000 matters to a conclusion. She has particular experience in
15 employment matters, catastrophic personal injury and sex abuse cases, mass torts, and MDLs. She
16 was recognized as a 2016-2018 "ADR Champion" by the National Law Journal. She is known for
17 her sensitivity, patience, and persistence with high-stakes, multi-party, and emotionally-involved
18 cases.

19 * * *

20 For the reasons stated, undersigned Plaintiffs' counsel respectfully and wholeheartedly
21 recommend that the Court appoint Judge Gail A. Andler, Judge Marina Corodemus, Randi Ellis,
22 Chief Magistrate Judge Donna Ryu, Judge Winifred Y. Smith, Magistrate Judge Joseph C. Spero,
23 or Judge Diane M. Welsh as Settlement Master. Plaintiffs' counsel is happy to provide additional
24 information about the proposed Settlement Masters, including their curriculum vitae or
25 experience generally, to further assist the Court if needed. In advance of the Initial Conference,
26 representatives for the undersigned Plaintiffs' counsel reached out to counsel for Uber and the
27 leadership in the JCCP to discuss these recommendations and look forward to having productive
28 discussions and reporting on status with the Court.

1 Dated: October 31, 2023

Respectfully submitted,

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